

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**CENTRAL PENSION FUND OF THE
INTERNATIONAL UNION OF OPERATING
ENGINEERS AND PARTICIPATING EMPLOYERS,
et al.,**

Plaintiffs,

Case No. 05-C-0913

v.

**ORION CONSTRUCTION GROUP, LLC,
a Wisconsin limited liability company,**

Defendant.

DEFAULT JUDGMENT ORDER

This matter coming on to be heard upon the Motion of Plaintiffs, by their counsel, it appearing to the Court that the Defendant, ORION CONSTRUCTION GROUP, LLC, a Wisconsin limited liability company, having been regularly served with process and having failed to appear, plead or otherwise defend, and default of said Defendant having been taken, the Court, first being fully advised in the premises and upon further evidence submitted herewith, FINDS:

1. It has jurisdiction of the subject matter herein and of the parties hereto.
2. The Defendant is bound by the terms of the collective bargaining agreement referred to in the Complaint of Plaintiffs.
3. The Defendant is obligated to make contributions to each of the Plaintiff Funds in accordance with collective bargaining agreement.

4. The Defendant is bound by all the terms and conditions set forth in the Agreements and Declarations of Trust governing the Plaintiff Funds.

5. Defendant has submitted monthly contribution reports to the Plaintiffs indicating all employees of the Defendant covered by the collective bargaining agreement referred to in the Complaint and Amended Complaint and the number of hours worked or paid for pursuant to the terms of the collective bargaining agreement referred to herein, for the months of September 2004 through November 2004.

6. Said monthly contribution reports establish that there is due and owing, for the period in question, to Plaintiffs the total amounts set forth below:

	<u>Contributions</u>	<u>Liquidated Damages</u>	<u>Interest</u>
Central Pension Fund	\$9,464.00	\$1,419.60	\$698.38
Health and Welfare Fund	\$4,495.40	\$ 674.31	\$339.73
Apprentice Fund	\$ 709.80	\$ 106.47	\$ 52.38
Dues	\$1,036.51	\$ 155.48	\$ 76.55

7. Plaintiffs are entitled to make an audit of the payroll books and records to cover periods not previously audited by Plaintiffs.

8. Defendant has failed to timely make all contributions required to be made to the Plaintiff Funds; as provided in the Agreements and Declarations of Trust governing the respective Funds, Plaintiffs are entitled to recover:

- (a) delinquent contributions;
- (b) the cost of the audit of the payroll books and records of Defendant;
- (c) liquidated damages equal to ten (10%) percent of contributions due but unpaid during the delinquent period;
- (d) simple interest in the amount of 9.0% per annum (not compounded); and
- (e) costs and expenses of the Trustees, including their reasonable attorneys' fees.

9. There is no just cause for delay in the entry of judgment as to the sum of \$20,188.61 owed to the Plaintiffs from Defendant.

IT IS THEREFORE ORDERED:

A. That Plaintiffs recover from the Defendant, ORION CONSTRUCTION GROUP, LLC, a Wisconsin limited liability company, the sum of \$15,705.71 for contributions, \$2,355.86 for liquidated damages, and \$1,167.04 for interest, or a total sum of \$19,228.61.

B. That Plaintiffs recover from the Defendant, ORION CONSTRUCTION GROUP, LLC, a Wisconsin limited liability company, the costs of these proceedings to include the sum of \$960.00 as and for Plaintiffs' just and reasonable attorneys' fees.

C. That Plaintiffs recover from the Defendant, ORION CONSTRUCTION GROUP, LLC, a Wisconsin limited liability company, the total amount of **\$20,188.61**, which includes contributions, liquidated damages, interest, and attorneys' fees.

D. Plaintiffs are awarded execution for the collection of the judgments and costs granted hereunder.

E. The Court hereby retains jurisdiction of this cause and all of the parties hereto for the purpose of enforcing this Order.

Dated at Milwaukee, Wisconsin, this 21st day of November, 2005.

SO ORDERED

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge

Default Judgment entered this 21st day
of November, 2005.

SOFRON B. NEDILSKY,
Clerk of Court

s/ Linda M. Zik
Deputy Clerk